



**Department of Energy
Acquisition Regulation**

**No. AL 2010-06
Date 05/06/10**

**Department of Energy
Financial Assistance Regulations**

**No. FAL 2010-06
Date 05/06/10**

ACQUISITION/FINANCIAL ASSISTANCE LETTER

This Acquisition/Financial Assistance Letter is issued under the authority of the DOE and NNSA Senior Procurement Executives.

Subject: Acquiring Information Technology—Requirement to Comply With Internet Protocol Version 6 (IPv6)

Attachment: Model Contract Clause

When is this Acquisition Letter (AL) effective?

This AL is effective upon issuance and supersedes AL-2006-04, dated, 12/14/05.

When does this AL Expire?

This AL remains in effect until superseded or canceled.

Who are the Points of Contact?

For procurement related questions, contact Nancy Harvey, Policy Analyst, Office of Procurement and Assistance Policy, at (202) 287-1358 or nancy.harvey@hq.doe.gov.

For technical questions in DOE, contact the DOE Office of the Chief Information Officer at (202) 586-0166. For technical questions in NNSA, contact the NNSA Office of the Chief Information Officer at (202) 586-5242.

What is the Purpose of this AL?

The purpose of this AL is to provide notice that the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) are issuing a final rule amending the Federal Acquisition Regulation (FAR) to require that Internet Protocol Version 6 (IPv6) compliant products be included in all new information technology (IT) acquisitions using Internet Protocol (IP) (see "FAR Case 2005-041, Internet Protocol Version 6"); and to, accordingly, update the IPv6 guidance provided in AL-2006-04.

As used in this AL, reference to DOE includes both DOE and NNSA sites; and reference to the Chief Information Officer (CIO) includes both the CIO for DOE sites and the CIO for NNSA sites.

What is the Background?

On August 2, 2005, the Office of Management and Budget (OMB) issued Memorandum M-05-22, "Transition Planning for Internet Protocol Version 6", requiring that all new IT procurements, to the maximum extent practicable, include IPv6 capable products and standards by June 30, 2008. In order to facilitate the wide scale adoption of IPv6 in the United States Government (USG), in the memorandum, OMB tasked the National Institute of Standards and Technology (NIST) to develop the technical infrastructure (standards and testing)/strategic planning guide for USG's IT acquisitions.

In response to the memorandum, on August 24, 2006, the Department of Defense (DoD), the General Services Administration (GSA) and the National Aeronautics and Space Administration (NASA) published a proposed rule in the Federal Register at 71 FR 50011 to amend the FAR to address IPv6 compliance. On December 10, 2009, the Councils followed the proposed rule with the publication of the subject final rule which establishes FAR language that ensures that all new IT systems and applications purchased by the Federal Government will be able to operate in an IPv6 environment to the maximum extent practical. Additionally, in an effort to support agency plans for IPv6 adoption and to help ensure the completeness, correctness, interoperability and security of early IPv6 product offerings, NIST developed the United States Government version 6 (USGv6) profile, an acquisition guide for IPv6 capabilities in common network products, and the corresponding declarations of conformance defined in the USGv6 Test Program (<http://www.antd.nist.gov/usgv6/>).

The Department's CIO and the NNSA Associate Administrator for Management and Administration requested that DOE and NNSA's procurement offices issue direction to require the acquisition of IPv6 compliant products and services and ensure that any exceptions be approved by the CIO in writing in advance of the acquisition.

This AL affects the planning, solicitation, evaluation and award of new contracts for IT that uses IP. Examples of the items most likely to require compliance with IPv6 include Ethernet cards, network switches, routers, printers, related software and commercial services for connectivity.

This AL also affects, for procurements for IT that uses IP, existing contracts pending award, existing contracts with pending deliveries and awards by management and operating contractors. This AL requires amendments to solicitations and, in some cases, modifications to existing contracts to ensure compliance with IPv6.

What is the Guidance contained in the AL?

A. Planning, Solicitation, Evaluation and Award

The final rule adds the following new paragraphs to the FAR:

- (1) Paragraph (g) to FAR subsection 11.002 specifying that requirements documents, when acquiring IT using IP, must include the appropriate IPv6 compliance requirements defined in the USGv6 Profile (NIST Special Publication 500-267) and the corresponding declarations of conformance defined in the USGv6 Test Program (<http://www.antd.nist.gov/usgv6/>).
- (2) Paragraph (iii) at FAR subsection 7.105(b)(4) to require a discussion of IP compliance, as required by FAR subsection 11.002(g), for IT acquisitions using IP.
- (3) Paragraph (e) to both FAR subsection 12.202 and FAR subsection 39.101 to require that agencies include the appropriate IP compliance requirements consistent with FAR subsection 11.002(g) regarding IT acquisitions using IP.

Therefore, the Contracting Officer must, in the acquisition plan for IT procurements using IP, discuss (1) whether the requirements documents include the IP compliance requirements specified in 11.002(g); or (2) state whether a waiver of these requirements has been granted by the cognizant CIO. The Contracting Officer must also ensure that all solicitations, awards, pending awards and existing contracts for IT using IP include the appropriate IPv6 compliance requirements defined in the USGv6 Profile.

B. DOE's Management and Operating and Other Major Facilities Contracts

Contracting Officers must instruct DOE's contractors that manage and operate major DOE facilities to:

- (1) comply with IPv6 standards in their purchases of IT involving IP;
- (2) identify employees who will act as liaisons between their requisite offices and the CIO where needed;
- (3) refrain from waiving any requirement unless the waiver has been approved in writing/email by the CIO; and
- (4) within 45 days of its execution, provide a copy of any waiver received by the contractor to the Contracting Officer.

If there is any doubt that a contractor will not follow the above directions, Contracting Officers shall modify the affected contract to require the contractor's compliance.

C. Model Contract Clause To Implement OMB Memorandum M-05-22

Contracting Officers should use the model contract clause attached to this AL or its equivalent, tailored appropriately, in affected new awards, procurements pending award and existing contracts with pending deliveries. They should require management and operating contractors to use a similar clause in their procurements.

D. IPv6 Compliance Training

Currently, no specific training is being contemplated to aid Contracting Officers in applying the guidance provided in this AL. You are encouraged, however, to contact any of the points of contact listed earlier if you conclude training would be helpful.

MODEL CONTRACT CLAUSE TO IMPLEMENT OMB MEMORANDUM M-05-22

Compliance with Internet Protocol version 6 (IPv6) In Acquiring Information Technology

This contract involves the acquisition of Information Technology (IT) that uses Internet Protocol (IP) technology. The contractor agrees that (1) all deliverables that involve IT that uses IP (products, services, software, etc.) comply with IPv6 standards and interoperate with both IPv6 and IPv4 systems and products; and (2) it has IPv6 technical support for fielded product management, development and implementation available. If the contractor plans to offer a deliverable that involves IT that is not initially compliant, the contractor agrees to (1) obtain the Contracting Officer's approval before starting work on the deliverable; and (2) have IPv6 technical support for fielded product management, development and implementation available.

Should the contractor find that the Statement of Work or specifications of this contract do not conform to IPv6 standards, it must notify the Contracting Officer of such nonconformance and act in accordance with the instructions of the Contracting Officer.

ATTACHMENT